III.   REMARKS

In the Office Action, claims 18-24 were rejected under 35 U.S.C. 112, first paragraph, for being a single means claim, not appearing in combination with another recited element or a means, as set forth in the Action. Claims 1-17 were rejected under 35 U.S.C. 112, second paragraph, for being indefinite because a claim is directed to a system while the limitations are directed to a data package rather than to modules of the system, as set forth in the Action. Claims 1-26 were rejected under 35 U.S.C. 101 for reciting non-statutory subject matter, namely, data structures, as set forth in the Action. The claims are amended to overcome the rejections under 35 U.S.C 101 and 112.

Claims 1, 18 and 23-26 were rejected under 35 U.S.C. 102 as being anticipated by Kawanaka (US 6493340) for reasons set forth in the Action. The dependent claims 2-17 and 19-22 were not discussed separately by the examiner with respect to Kawanaka in the present and the previous Office Actions, nor was an indication given as to whether they would have allowable subject matter upon a curing of the rejections under 35 U.S.C. 101 and 112.

With respect to the rejections under 35 U.S.C. 102, various ones of the claims are amended and the following argument is presented to distinguish the claimed subject matter from the teachings of the cited art, considered individually and in combination, thereby to overcome the rejections and to show the presence of allowable subject matter in the claims.

Independent claim 1 is amended to overcome the rejection under 35 U.S.C. 112, second paragraph, by inserting components of the module of the communication system, thereby to insure that, while the preamble is directed to a system of modules, there are limitations directed to a module of the system, as well as to a data package. The amendment of claim 1 to include a system plus components of the system with

description of the components is believed to overcome the rejection under 35 U.S.C. 101 for reciting non-statutory subject matter, because the claimed subject matter is no longer restricted only to the data structures.

Independent claim 18 is amended to overcome the rejection under 35 U.S.C. 112, first paragraph, by inserting components of the module of the communication system, thereby to avoid the "single means" format, and is amended further to overcome the rejection under 35 U.S.C. 101 for reciting non-statutory subject matter, namely, data structures, by directing the subject matter of the claim to a module of a communication system, which module is said to transmit and to receive a data package, wherein the data package is described subsequently in the claim.

Independent claims 25-26 are amended to include steps of transmitting, receiving and generating that are found in communication system so as to provide statutory subject matter, thereby to overcome the rejections under 35 U.S.C. 101.

All of the independent claims 1, 18, 25 and 26 are amended to include the sixth, the seventh and the eighth headers for distinguish the claims from the teachings of the cited art of Kawanaka. While Kawanaka makes much reference to the Media Access Control (MAC) layer, and mention of headers, there does not appear to be mention of the variety of headers set forth in the amended claims. Accordingly, the present amendments are believed to overcome the rejections under 35 U.S.C. 102.

Support for the foregoing amendatory passages is found in the present specification:

A communication system is taught on Page 1 at Line 8. Modules of a communication system being adapted to transmit to and to receive from one another a data package is taught at Page 3 at lines 22-24. That modules include a generator of a data link layer and a generator of a physical layer for encapsulating a message is taught at Page 5 at lines 13-18. That the transport layer may comprise a sixth header field providing a message identity, a seventh header field for identifying an object in the module, and an eighth header field for sequencing a message relative to other messages is taught at

Page 6 at lines 13-22. That the data package, which is transmitted by the module (Page3 at Line 24), has a data section containing therein a message (defined by a transport layer) is taught on Page 3 at lines 28-30.

Claims 4, 5 and 6 are canceled in view of the inclusion of their subject matter in claim 1. Claims 19, 20 and 21 are canceled in view of the inclusion of their subject matter in claim 18.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

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